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NOTES OF CASES.

Handwriting—Genuineness of Signature.—In *Boyd v. Gosser*, 82 So. 758, the Supreme Court of Florida held that the genuineness of a signature may be ascertained by comparison of the disputed signature with an admittedly genuine one, and when upon such comparison the two signatures are so much alike in the many features of their construction that they agree or correspond in lines, angles, slant, and space occupied, the fact of such correspondence is deemed to be evidence of highly probative value that one is a tracing of the other, or a drawing from a model.

The court said: "It was said in *Gordon's Case*, 50 N. J. Eq. 397, 26 Atl. 268:

'Handwriting is an act concerning which correctness of opinion is susceptible of demonstration.'

"The learned judge writing the opinion said: 'I am fully convinced that the value of the opinion of every handwriting expert as evidence must depend upon the clearness with which the expert demonstrates its correctness.'

"The demonstration, when the signature of a person since deceased is attacked as a forgery, consists, as in this case, of an accumulation of a great mass of facts relating to the formation of letters; the field covered by both the admittedly genuine and questioned signatures; the spacing of the letters, both capitals and small letters; the angles on which they were formed; their relative positions in the signatures; their proportions, slant, alignment, and outline; the surface of the paper which under the microscope shows whether the line upon which the questioned signature rests was drawn before or after the name was written or before or after the paper was folded; the conformity in detail of two signatures, so that when superimposed they show no variation or divergence in a line or direction of a line. All these facts, when established, may confirm the testimony of apparently credible witnesses who testify to the genuineness of the questioned signatures, or establish to the degree of demonstration the falsity of it. In the *Rice Will Case*, 81 App. Div. 223, 81 N. Y. Supp. 68, affirmed in 176 N. Y. 570, 68 N. E. 1123, it appeared from the photographs and enlargements adduced by an expert that the four signatures to a will were absolutely identical, so that they could be superimposed without showing the slightest divergence in the length or direction of a line. This the court said demonstrated conclusively that they were not genuine, but tracings. See also, *Osborn on Questioned Documents*, p. 299; *Green v. Terwilliger* (C. C.) 56 Fed. 384; *Stitzel v. Miller*, 250 Ill. 72, 95 N. E. 53, 34 L. R. A. (N. S.) 1004, Ann. Cas. 1912B, 412. In the note to the last-cited case which appears in *Annotated Cases*,

vol. 23, many cases are referred to as upholding the proposition that it is very improbable that two signatures written by a person in the ordinary course of business will be exactly alike so that one will cover the other when superimposed, and the fact that one signature is the fac simile of another is evidence that one was traced from the other, or both traced from a third. The cases cited are: *McDonogh's Succession*, 18 La. Ann. 419; *Day v. Cole*, 65 Mich. 129, 31 N. W. 823; *Hunt v. Lawless*, 7 Abb. N. C. (N. Y.) 113; *Matter of Rice*, 81 App. Div. 223; 81 N. Y. Supp. 68; *Matter of Burtis*, 107 App. Div. 51, 94 N. Y. Supp. 961; *Matter of Burtis*, 43 Misc. Rep. 437, 89 N. Y. Supp. 441; *Hanriot v. Sherwood*, 82 Va. 1.

"In the matter of *Burtis*, supra, it was said: 'Concededly, if one's signature conforms in every particular to another, one of them must be a forgery, because for all practical purposes no person can write his name twice exactly alike.

"The conclusion of a handwriting expert as to the genuineness of a signature, standing alone, would be of little or no value, but supported by sufficiently cogent reasons his testimony might amount almost to a demonstration.' *Venuto v. Lisso*, 148 App. Div. 164, 132 N. Y. Supp. 1066.

"See, also, 3 *Wigmore on Evidence*, § 2014; *McKay v. Lasher*, 121 N. Y. 477, 24 N. E. 711. In *Osborn's Questioned Documents*, p. 281, the author says:

"'No two genuine signatures can be exactly alike, but such a statement should be understood to be true speaking microscopically, and not as the carpenter measures, because by examining a great number of genuine signatures of certain exceptional writers signatures can be found which are nearly identical.' * * *

"The comparison of handwriting for the purpose of ascertaining the characteristic or structural differences is one of the recognized means of arriving at the truth when the question is the genuineness of the signature. And it is generally conceded that if one signature coincides with another, one of them is a drawing or tracing, something made according to pattern or a model; and as a man when signing his name to a contract never takes such pains with his signature, certainly in this case there is no evidence that *Boyd* did, it follows that one of the signatures, at least, is not the writing of the person whose signature it purports to be. See *Ames on Forgery*, c. IV. See, also, the views upon this proposition as expressed by Professor Benjamin Pierce, formerly of Harvard College, as reported in 4 *American Law Review*, p. 649."

Street Railroads—Ordinance Requiring Conductor and Motorman to Each Car.—In *Sullivan v. City of Shreveport*, 40 Sup. Ct. Rep. 102, the Supreme Court held that an ordinance requiring every street